

**SUMMARY SHEET
BOARD OF HEALTH AND ENVIRONMENTAL CONTROL
SEPTEMBER 11, 2003**

BUREAU OF LAND AND WASTE MANAGEMENT

Solid Waste Enforcement

- 1) Order Type and Number: Administrative Order 03-18-SW
 Order Date: June 9, 2003
 Responsible Party: **Mr. Michael Eargle**
 Location/Mailing Address: 270 Mt. Olivet Church Road
 Chapin, SC 29036

 County: Richland
 Previous Orders: None
 Permit Number: 402706-3001
 Violations Cited: South Carolina Solid Waste Policy
 and Management Act of 1991 (2002), the Yard Trash and Land-Clearing
 Debris; and Compost Regulation, 25A S.C. Code Ann. Reg. 61-
 107.4.E.3.c., Reg. 61-107.4.F.11.c.(Supp. 2002), and Yard Trash and
 Land-Clearing Debris; and Compost Registration # 402706-3001.

Summary: Mr. Michael Eargle (Mr. Eargle), doing business as New Eargle Composting Site (Site) has failed to operate the Site, including the number, location, and dimensions of windrows on the Site, in accordance with the site plan, approved February 9, 2001 as a component of his Yard Trash and Land-Clearing Debris; and Compost Registration #402706-3001 (Registration). Mr. Eargle also failed to provide fire lanes and buffers as required by the Yard Trash and Land-Clearing Debris; and Compost Regulation (Regulation) at the Site.

Action: The Order requires Mr. Eargle to re-establish and maintain all buffers and fire lanes on Site as required by the Registration and the Regulation and to remediate the Site to meet all additional requirements of the Registration, including the approved site plan. The Order states that failure to comply with the terms of the Order shall be grounds for revocation of the Registration and immediate closure of the Site as required by the Regulation. The Department has assessed a civil penalty of seven thousand dollars (**\$7,000.00**) for violations pertaining to the Site to be paid by Mr. Eargle within thirty (30) days of the effective date of the Administrative Order.

- 2) Order Type and Number: Consent Order 03-26-SW
 Order Date: July 30, 2003
 Responsible Party: **Herbert W. Johns**

Location/Mailing Address: PO Box 131, Union, SC 29372/3289
Jonesville Lockhart Highway,
Union, SC
County: Union
Previous Orders: N/A
Permit Number: N/A
Violations Cited: Municipal Solid Waste Landfills
Regulation, 25A S.C. Code Ann. Reg. 61-107.258.1.g.,h.,& i. (Supp.
2002); Pollution Control Act, S.C. Code Ann. § 48-1-90 (1987).

Summary: The Respondent unlawfully disposed of piles of debris including, but not limited to, bagged and loose bottles (soda, milk, oil, etc.), loose municipal solid waste (MSW) food containers and food waste, dilapidated furniture, mattresses, broken white goods (appliances), wood waste and miscellaneous household debris immediately outside of his residence on property he owns in Union County, South Carolina. The incident was a second offense regarding the same type of unlawful disposal on the same property.

Action: In the previous offense the site was cleaned up and the matter was concluded with a warning letter. The Department determined that the Respondent would be unable to pay a civil penalty. The Site is currently being cleaned up through helpful neighbors and his pastor. An inspection is scheduled at the end of August, 2003 to determine if the site has been cleaned up. The assessed civil penalty of \$3,500.00 was suspended; however, should the Respondent violate any part of the Order by not getting required solid waste permits or unlawfully disposing of solid waste on any property under his ownership or control in the future, the penalty shall become due and payable to the Department upon written notification.

3) Order Type and Number: Consent Order 03-27-SW
Order Date: July 9, 2003
Responsible Party: **Highway 378 Construction,
Demolition and Land-Clearing
Debris Landfill**
Location/Mailing Address: 1848 Old Orangeburg Road
Lexington, SC 29072
County: Lexington
Previous Orders: None
Permit Number: 322456-1202
Violations Cited: South Carolina Solid Waste Policy
and Management Act of 1991, the Construction, Demolition and Land-
Clearing Debris Landfills Regulation, 25A S.C. Code Ann. Reg. 61-
107.11, Part IV, C.1.e. (Supp. 2002), and Permit # 322456-1202.

Summary: The Highway 378 Construction, Demolition, and Land-Clearing Debris Landfill (Landfill) exceeded the annual tonnage limit established

in the permit of 25,000 tons per fiscal year. This is a violation of Permit # 322456-1202. The Landfill also located its waste disposal boundary within one thousand (1,000) feet of a residence, which is a violation of Permit # 322456-1202 and the Construction, Demolition and Land-Clearing Debris Landfills Regulation.

Action: The Order requires the Landfill to ensure that the permitted annual disposal tonnage limit will not be exceeded in the future and to immediately cease the disposal of all solid waste into the portion of the permitted footprint that is closer than one thousand (1,000) feet from the nearest residence. The Order further requires the Landfill to submit to the Department a proposal to modify the Landfill's Closure/Post Closure Care Plan to reflect agreement between the Department and the Landfill that the Landfill will, upon implementing closure, use only fill dirt to close the portion of the permitted footprint that is closer than one thousand (1,000) feet from the nearest residence. The Landfill will pay to the Department a civil penalty in the amount of four thousand two hundred dollars (**\$4,200.00**) in four quarterly payments of one thousand fifty dollars (\$1,050.00) each.

Underground Storage Tank Enforcement

4) Order Type and Number: Consent Order 03-4829-UST
 Order Date: July 22, 2003
 Owner/Operator: **Heyward Canady**
 Facility Name: Canady's Grocery
 Facility Address: 8008 Savannah Hwy, Adams Run
 County: Charleston
 UST Permit Number: 13169
 Previous UST Orders: None
 Violations Cited: UST Control Regulations, R.61-92,
 §280.40(a), R.61-92, §280.34(c).

Summary: A compliance inspection revealed that the owner/ operator had failed to provide an adequate release detection method for the underground storage tank system, and supply records to the Department upon request.

Action: The owner/operator agreed to correct the violations and submit the compliance data within 30 days. If the documentation is received as agreed, the Department will **suspend** the civil penalty of six hundred dollars (\$600.00).

5) Order Type and Number: Consent Order 03-4893-UST
 Order Date: July 23, 2003
 Owner/Operator: **Hamdi and Swalha Saadah**
 Facility Name: Fast Point 52
 Facility Address: 1900 McMillian Ave., N. Charleston

County: Charleston
UST Permit Number: 11349
Previous UST Orders: None
Violations Cited: UST Control Regulations, R.61-92,
§280.93(a), R.61-92, §280.110(c).

Summary: A compliance inspection revealed that the owner/ operator had failed to provide proof of financial responsibility as required by the Department, and supply records to the Department upon request.

Action: The owner/operator agreed to correct the violations and submit the compliance data within 30 days. If the documentation is received as agreed, the Department will **suspend** the civil penalty of six hundred dollars (\$600.00).

6) Order Type and No: Consent Order 03-4732-UST
Order Date: July 25, 2003
Owner/Operator: **Hodge Auto Truck Service Center**
Facility Name: Hodge #3
Facility Address: Hwy 15 & SR 14 57
County: Clarendon
UST Permit Number: 16803
Previous UST Orders: None
Violations Cited: R.61-92, §280.93(a), R.61-92,
§280.110(c).

Summary: A file review revealed that the owner had failed to provide an adequate financial responsibility mechanism and to submit these records to the Department upon request.

Action: The owner is having a financial statement prepared by a certified public accountant and will submit it to the Department to satisfy financial responsibility requirements within 30 days of the date the Order was finalized. The owner has agreed to pay a civil penalty of five hundred dollars (**\$500.00**) total for this facility and #12387 below.

7) Order Type and Number: Consent Order 03-5341-UST
Order Date: July 29, 2003
Owner/Operator: **Charles L. Hodge**
Facility Name: C. L. Hodge Trucking Company
Facility Address: 419 E. Liberty St., Sumter
County: Sumter
UST Permit Number: 12387
Previous UST Orders: None
Violations Cited: UST Control Regulations, R.61-92,
§280.93(a), R.61-92, §280.110 (c).

Summary: A compliance inspection revealed that the owner/ operator had failed to provide proof of financial responsibility as required by the Department, and supply records to the Department upon request.

Action: The owner/operator agreed to correct the violations and submit the compliance data within 30 days. If the documentation is received as agreed, the Department will accept a **reduced** civil penalty of five hundred dollars (\$500.00) for this facility and #16803 above.

- 8) Order Type and Number: Consent Order 03-4897-UST
 Order Date: July 29, 2003
 Owner/Operator: **Tower of David Foundation, Inc.**
 Facility Name: Burton's BP
 Facility Address: 439 W. Washington St., Greenville
 County: Greenville
 UST Permit Number: 12299
 Previous UST Orders: None
 Violations Cited: UST Control Regulations, R.61-92,
 §280.93(a), R.61-92, §280.110(c).

Summary: A compliance inspection revealed that the owner/ operator had failed to provide proof of financial responsibility as required by the Department, and supply records to the Department upon request.

Action: The owner/operator agreed to correct the violations and submit the compliance data within 30 days. If the documentation is received as agreed, the Department will **suspend** the civil penalty of six hundred dollars (\$600.00).

- 9) Order Type and No: Admin. Order 02-3571-UST
 Order Date: May 19, 2003
 Owner/Operator: **Rama Chandarana**
 Facility Name: A&S Mini Mart
 Facility Address: 470 Oak Grove Rd., Spartanburg
 County: Spartanburg
 UST Permit Number: 08378
 Previous UST Orders: 99-1031-UST (\$3,450 due)
 Violations Cited: UST Control Regulations, R.61-92,
 §280.31(a), R.61-92, §280.31(b), R.61-92, §280.70(c), R.61-92,
 §280.34(c), SUPERB Act 44-2-60(A).

Summary: A compliance inspection and file review revealed that the owner/operator had failed to operate and maintain the corrosion protection equipment continuously, inspect the impressed current system every 60 days, properly abandon a temporarily closed underground storage tank system after failing to continue corrosion protection, provide records to the Department upon

request, and pay outstanding tank registration fees of nine hundred sixty-eight dollars (\$968.00).

Action: The Department issued an Administrative Order with a civil penalty of thirteen thousand fifty dollars (**\$13,050.00**) when it became clear that the owner/ operator did not intend to enter into a Consent Order or come into compliance. The Administrative Order was not appealed.

10)	<u>Order Type and No:</u>	Admin. Order 03-4187-UST
	<u>Order Date:</u>	June 12, 2003
	<u>Owner/Operator:</u>	Craig Ewing
	<u>Facility Name:</u>	Chattooga River Emporium
	<u>Facility Address:</u>	13847 Long Creek Hwy, Long Creek
	<u>County:</u>	Oconee
	<u>UST Permit Number:</u>	12446
	<u>Previous UST Orders:</u>	None
	<u>Violations Cited:</u>	UST Control Regulations, R.61-92,
	§280.93(a), R.61-92 §280.110(c).	

Summary: A file review revealed that the owner/operator had failed demonstrate financial responsibility as required by the Department, and provide records to the Department upon request.

Action: The Department issued an Administrative Order with a civil penalty of five thousand two hundred fifty dollars (\$5,250.00) when it became clear that the owner/ operator did not intend to enter into a Consent Order or come into compliance. The Administrative Order was not appealed. Since the issuance of the Order, the owner/operator has demonstrated financial responsibility and paid a reduced civil penalty of one thousand dollars (**\$1,000.00**).

11)	<u>Order Type and No:</u>	Admin. Order 03-4072-UST (Consolidated)
	<u>Order Date:</u>	June 12, 2003
	<u>Owner/Operator:</u>	Star 11, Inc.
	<u>Facility Name:</u>	Star Point 1
	<u>Facility Address:</u>	Hwy 17 N., Hardeeville
	<u>County:</u>	Jasper
	<u>UST Permit Number:</u>	05290
	<u>Facility Name:</u>	Star Point 2
	<u>Facility Address:</u>	504 Jacob Smart Blvd., Ridgeland
	<u>County:</u>	Jasper
	<u>UST Permit Number:</u>	05292
	<u>Facility Name:</u>	Star Point 3
	<u>Facility Address:</u>	900 E. Elm St., Varnville
	<u>County:</u>	Hampton
	<u>UST Permit Number:</u>	04855

Facility Name: Star Point 4
Facility Address: 34 W. Elm St., Hampton
County: Hampton
UST Permit Number: 04856
Previous UST Orders: None
Violations Cited: UST Control Regulations, R.61-92,
§280.31(a), R.61-92, §280.31(c), R.61-92, §280.93(a), R.61-92,
§280.34(c), R.61-92, §280.110(c).

Summary: A compliance inspection and subsequent file review revealed that the owner/operator had failed to operate and maintain the corrosion protection equipment continuously, inspect the impressed current system every 60 days, demonstrate financial responsibility, and provide records to the Department upon request.

Action: The Department issued an Administrative Order with a civil penalty of fifteen thousand four hundred dollars (\$15,400.00) when it became clear that the owner/ operator did not intend to enter into a Consent Order or come into compliance. The Administrative Order was not appealed. Since the issuance of the Order, the owner/operator has submitted all compliance documentation and paid a reduced civil penalty of seven thousand seven hundred dollars **(\$7,700.00)**.

BUREAU OF WATER

Drinking Water Enforcement

12) Order Type and No.: AO 03-055-DW
Order Date: April 24, 2003
Responsible Party: **Rudy Payne**
Facility: Rachel's Deli
Location/Mailing Address: 8441 Wiltown Road
Hollywood, SC 29449
County: Charleston
Previous Order(s): None
Permit/System Number: 1072006
Violation(s) Cited: 24A S.C. Code Ann. Regs. 61
58.5(C)(2)(c), (H)(1) and .6(E)(1), 24A S.C. Code Ann. Regs. 61-30(G)(2)
SC Code Ann. § 44-55-40(d)

Summary: Rudy Payne (Respondent) d/b/a Rachel's Deli is responsible for the proper operation and maintenance of a public water system (PWS). The Respondent failed to perform monitoring for nitrate, failed to perform public notification for the non-monitoring of nitrate, exceeded the maximum contaminant level (MCL) for bacteriological contaminants, and failed to pay appropriate drinking water fees.

Action: The Respondent was ordered to: (1) within thirty (30) days of the Order date, submit payment of the outstanding fees totaling nine hundred sixty-two dollars and fifty-one cents (\$962.51) for fiscal years 2001, 2002, and 2003; (2) within five days of the Order date, issue public notification for non-monitoring of nitrate and MCL violations; (3) within forty-five (45) days of the Order date, correct all noted deficiencies outlined in the Order; and, (4) within thirty (30) days of the Order date, pay a civil penalty of fifteen thousand dollars **(\$15,000.00)**.

13)	<u>Order Type and No.:</u>	CO 03-104-DW
	<u>Order Date:</u>	July 7, 2003
	<u>Responsible Party:</u>	Craig & Mary Ewing
	<u>Facility:</u>	Chattooga River Resort
	<u>Location/Mailing Address:</u>	PO Box 1 Long Creek, SC 29658
	<u>County:</u>	Oconee
	<u>Previous Order(s):</u>	None
	<u>Permit/System Number:</u>	None
	<u>Violation(s) Cited:</u>	24A S.C. Code Ann. Regs. 61-58.1(B)(1) and (K)(1)

Summary: Craig and Mary Ewing (Respondents) d/b/a Chattooga River Resort own and operate a tourist resort. The Respondents constructed a PWS without a permit and placed it into operation without approval.

Action: The Respondents have agreed to: (1) comply with all applicable State and Federal laws and regulations pertaining to the operation of a PWS; (2) within ten (10) days prior to the operation of the new system, inform the Department in writing of the intended use of the existing well; and, (3) within thirty (30) days of the Order date, pay a civil penalty of six thousand dollar **(\$6,000.00)**.

14)	<u>Order Type and No.:</u>	CO 03-108-DW
	<u>Order Date:</u>	July 9, 2003
	<u>Responsible Party:</u>	Standard Corporation
	<u>Facility:</u>	
	<u>Location/Mailing Address:</u>	PO Box 280 Gaston, SC 29053
	<u>County:</u>	Calhoun
	<u>Previous Order(s):</u>	None
	<u>Permit/System Number:</u>	0930005
	<u>Violation(s) Cited:</u>	24A S.C Code Ann. § 61-58.11 (C) and (D)(3)(c)

Summary: Standard Corporation (Respondent) owns and is responsible for the proper operation and maintenance of a PWS. The Respondent failed to complete the Source and Distribution Water Quality Parameters (WQPs)

monitoring and the Optimum Corrosion Control Treatment (OCCT) Recommendation.

Action: The Respondent has agreed to: (1) comply with all State and Federal laws and regulations pertaining to the operation of a PWS; (2) within forty-five (45) days of the Order date, complete the connection of Standard Corporation to the Calhoun County Municipal Water System; (3) within five (5) days of the completion of the connection to the above-referenced PWS, contact the Lower Savannah District Office to schedule an inspection of the connection; (4) within thirty (30) days of the Order date, issue Public Notification to each person served by this water system for failure to conduct WQPs monitoring and for failure to submit an OCCT Recommendation; and, (5) within thirty (30) days of the Order date, pay a civil penalty of one thousand dollars **(\$1,000.00)**.

15)	<u>Order Type and No.:</u>	CO 03-112-DW
	<u>Order Date:</u>	July 15, 2003
	<u>Responsible Party:</u>	Tracy B. Foy
	<u>Facility:</u>	
	<u>Location/Mailing Address:</u>	1900 Wadsworth Street, Cayce SC
	<u>County:</u>	Berkeley
	<u>Previous Order(s):</u>	None
	<u>Permit/System Number:</u>	None
	<u>Violation(s) Cited:</u>	24 S.C. Code Ann. Regs. 61-
		44(D)(5), 25 S.C. Code Ann. Regs. 61-71(F)(11)(a)

Summary: Tracy B. Foy (Respondent) is in the business of well drilling. The Respondent failed to give the Department forty-eight (48) hour prior notice of the installation of wells, and failed to grout the wells properly.

Action: The Respondent has agreed to: (1) comply with all pertinent State rules and regulations concerning well construction and permitting; and, (2) within thirty (30) days of the Order date, pay a civil penalty of two thousand one hundred dollar **(\$2,100.00)**.

16)	<u>Order Type and No.:</u>	CO 03-122-DW
	<u>Order Date:</u>	July 21, 2003
	<u>Responsible Party:</u>	Steve Kiser
	<u>Facility:</u>	Maryfield Development
	<u>Location/Mailing Address:</u>	P.O. Box 2030 Bluffton, SC 29910
	<u>County:</u>	Beaufort
	<u>Previous Order(s):</u>	None
	<u>Permit/System Number:</u>	204484
	<u>Violation(s) Cited:</u>	24A S.C. Code Ann. Regs. 61-58.1

Summary: Steve Kiser (Respondent) owns, operates and maintains a PWS. The Respondent failed to obtain final approval to operate the PWS.

Action: The Respondent agreed to: (1) submit a certified engineer's letter stating that the PWS was installed according to approved plans in 1983; and, (2) schedule a final inspection and obtain approval to operate.

17)	<u>Order Type and No.:</u>	CO 03-124-DW
	<u>Order Date:</u>	July 22, 2003
	<u>Responsible Party:</u>	James F. Britt
	<u>Facility:</u>	
	<u>Location/Mailing Address:</u>	322 East Main Street Harleyville, SC 29448
	<u>County:</u>	Dorchester and Orangeburg
	<u>Previous Order(s):</u>	CO 00-157-DW (\$850.00)
	<u>Permit/System Number:</u>	None
	<u>Violation(s) Cited:</u>	25 S.C. Code Ann. Regs. R.61-71
	(F)(12)(a), 25 S.C. Code Ann. Regs. R.61-71 (F)(11)(a)	

Summary: James F. Britt (Respondent) is in the business of well drilling. The Respondent improperly sealed a well and failed to submit Water Well Record forms for two hundred ninety (290) wells.

Action: The Respondent has agreed to: (1) comply with all State rules and regulations concerning well construction and permitting; (2) within thirty (30) days of the Order date, submit Water Well Record forms for the remaining fifty-six (56) wells; and, (3) within thirty (30) days of the Order date, pay a civil penalty of two thousand eight hundred dollars **(\$2,800.00)**.

18)	<u>Order Type and No.:</u>	CO 03-126-DW
	<u>Order Date:</u>	July 29, 2003
	<u>Responsible Party:</u>	James M. Crump
	<u>Facility:</u>	
	<u>Location/Mailing Address:</u>	1848 Mt. Olivet Rd. Hartwell, GA 30643 Anderson
	<u>County:</u>	
	<u>Previous Order(s):</u>	None
	<u>Permit/System Number:</u>	None
	<u>Violation(s) Cited:</u>	25 S.C. Code Ann. Regs. 61-
	71(G)(2)(b) & (e)	

Summary: James M. Crump (Respondent) is in the business of well drilling. The Respondent failed to properly grout wells.

Action: The Respondent has agreed to: (1) comply with all pertinent State rules and regulations concerning well construction and permitting; (2) within thirty (30) days of the Order date, contact the Appalachia I District Office to

19)	<u>Order Type and No.:</u>	CO 03-129-DW
	<u>Order Date:</u>	July 24, 2003
	<u>Responsible Party:</u>	L. Franklin Elmore
	<u>Facility</u>	Gower Estates
	<u>Location/Mailing Address:</u>	PO Box 1887
		Greenville, SC 29602
	<u>County:</u>	Greenville
	<u>Previous Order(s):</u>	None
	<u>Permit/System Number:</u>	23-389-C
	<u>Violation(s) Cited:</u>	24A S.C. Code Ann. Regs. 61-51(J)

Action: The Respondent has agreed to: (1) properly operate and maintain the pool in accordance with the Public Swimming Pool regulations; (2) within ten (10) days of the Order date, submit a corrective action plan (CAP) to the Department and the Appalachia II District Office; and, (3) within thirty (30) days of the Order date, pay a civil penalty of eight hundred forty dollars **(\$840.00)**.

Summary: The Town of Gifford (Respondent) owns, operates and maintains a PWS. The Respondent failed to properly operate and maintain the PWS, failed to submit the required drinking water fees, failed to perform the required phosphate sampling, exceeded the maximum contaminant level for total

coliform, failed to issue public notification and submit a copy to the Department and failed to employ a back-up certified operator.

Action: The Respondent has agreed to: (1) implement phosphate sampling every two weeks; (2) schedule a final inspection to verify documentation for all program activities to include monitoring records; (3) employ a back-up certified operator; (4) develop a business plan; and, (5) pay the balance of all outstanding drinking water fees totaling ten thousand three hundred seventy-four dollars and twenty-five cents (\$10,374.25).

Water Pollution Enforcement

21) Order Type and No.: CO 03-092-W
Order Date: July 21, 2003
Responsible Party: **McCormick County**
Facility: Wastewater Collection System
Location/Mailing Address: Route 2, Box 84AAA
McCormick, SC 29835
County: McCormick
Previous Order(s): 99-181-W (\$8,000)
Permit/System Number: None
Violation(s) Cited: S.C. Code Ann. §§ 48-1-90 (a), 110
(d) and 130

Summary: McCormick County (Respondent) owns and is responsible for the proper operation and maintenance of a Wastewater Collection System (WWCS). The Respondent failed to comply with a Department Order, failed to properly operate and maintain its WWCS, and discharged sewage into the environment.

Action: The Respondent has agreed to: (1) operate and maintain its WWCS in accordance with regulatory requirements; (2) re-evaluate and implement its comprehensive Management, Operation and Maintenance Program (cMOM); (3) within sixty (60) days of the Order date, submit schedules and reports; and, (4) within thirty (30) days of the Order date, pay a civil penalty of twenty-one thousand five hundred dollars (**\$21,500.00**).

22) Order Type and No.: CO 03-095-W
Order Date: July 3, 2003
Responsible Party: **South Carolina Utilities, Inc.**
Facility: Gem Lakes Subdivision
Location/Mailing Address: PO Drawer 4509
West Columbia, SC 29171
County: Aiken
Previous Order(s): None
Permit/System Number: ND0066893

Violation(s) Cited: 24 S.C. Code Ann. Regs. 61-9.505.41 (a) and (e), S.C. Code Ann. §§ 48-1-90 (a) and 110 (d)

Summary: South Carolina Utilities, Inc. (Respondent) owns and is responsible for the proper operation and maintenance of a Wastewater Treatment Facility (WWTF) and an associated land application site. The Respondent discharged organic and inorganic waste into the environment, failed to properly operate and maintain all systems of control to prevent such unauthorized discharges, failed to prevent runoff from its land application site and failed to report the runoff as noncompliance.

Action: The Respondent has agreed to: (1) complete temporary modifications to the land application site to prevent unauthorized discharges; (2) submit a connection agreement with the City of Aiken to the Public Service Commission (PSC) within forty-five (45) days of the Order date; (3) within sixty (60) days of the final order of the PSC, submit a Preliminary Engineering Report (PER) for either connection to the City of Aiken or construction of a new land application site; (4) within sixty (60) days of Department approval of the PER, submit plans, specifications, and a construction permit application for either elimination or upgrade; (5) begin construction within ninety (90) days of the issuance of a construction permit; (6) if discharge is being eliminated, within (90) days of beginning construction, end construction or if upgrading, within three hundred sixty-five (365) days of issuance of a construction permit, end construction of the upgrade; (7) within one hundred eighty (180) days of elimination of discharge, complete closure of the WWTF; and, (8) within thirty (30) days of the Order date, pay a civil penalty of forty-seven thousand five hundred dollars (\$47,500.00).

23) <u>Order Type and No.:</u>	CO 03-100-W
<u>Order Date:</u>	July 1, 2003
<u>Responsible Party:</u>	Town of Chesnee
<u>Facility:</u>	
<u>Location/Mailing Address:</u>	201 W. Cherokee Street Chesnee, SC 29323
<u>County:</u>	Spartanburg
<u>Previous Order(s):</u>	CO 02-152-W (\$0)
<u>Permit/System Number:</u>	SC0025763
<u>Violation(s) Cited:</u>	S.C. Code Ann. § 48-1-110 (d) 24 S.C. Code Ann. 61-9.122.41(a)

Summary: The Town of Chesnee (Respondent) owns and is responsible for the proper operation and maintenance of a WWTF. The Respondent failed to comply with the permitted discharge limits for fecal coliform.

Action: The Respondent has agreed to: (1) operate and maintain the WWTF in accordance with applicable State and Federal regulations; and, (2)

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| 24) | <u>Order Type and No.:</u> | AO 03-103-W |
| | <u>Order Date:</u> | July 3, 2003 |
| | <u>Responsible Party:</u> | Mount Hope Cemetery Association, Inc. |
| | <u>Facility:</u> | Proposed Dental Office |
| | <u>Location/Mailing Address:</u> | 100 Cherokee Road
Florence, SC 29501 |
| | <u>County:</u> | Florence |
| | <u>Previous Order(s):</u> | None |
| | <u>Permit/System Number:</u> | 21-00-03-02 |
| | <u>Violation(s) Cited:</u> | S.C. Code Ann. § 72-305.B(3) |

26)	<u>Order Type and No.:</u>	CO 03-106-W
	<u>Order Date:</u>	July 9, 2003
	<u>Responsible Party:</u>	Autumn Trace L.L.C.
	<u>Facility:</u>	Autumn Trace Phase III
	<u>Location/Mailing Address:</u>	4891 Earle E. Morris Hwy Easley, SC 29642
	<u>County:</u>	Greenville
	<u>Previous Order(s):</u>	None
	<u>Permit/System Number:</u>	SCR106208
	<u>Violation(s) Cited:</u>	S.C. Code Ann. § 48-1-90(a)
	24 S.C. Code Ann. Regs. 61-9.122.41(a)	

Action: The Respondent has agreed to: (1) comply with all permitting and operating requirements in accordance with State and Federal regulations; (2) within sixty (60) days of the Order date, submit a report, completed by a State registered professional engineer, certifying all storm water controls have been installed and are properly functioning; and, (3) within thirty (30) days of the Order date, pay a civil penalty of eight thousand four hundred dollars (**\$8,400.00**).

27)	<u>Order Type and No.:</u>	CO 03-109-W
	<u>Order Date:</u>	July 9, 2003
	<u>Responsible Party:</u>	Town of Blackville
	<u>Facility:</u>	
	<u>Location/Mailing Address:</u>	5983 L'Artique Street Blackville, SC 29817
	<u>County:</u>	Barnwell
	<u>Previous Order(s):</u>	None
	<u>Permit/System Number:</u>	SC0026417
	<u>Violation(s) Cited:</u>	24 S.C. Code Ann. Regs. 61- 9.122.41 (a) and (l)(4), S.C. Code Ann. § 48-1-110(d)

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28)	<u>Order Type and No.:</u>	CO 03-110-W
	<u>Order Date:</u>	July 15, 2003
	<u>Responsible Party:</u>	John Trigg
	<u>Facility:</u>	Lazy Daze Campground
	<u>Location/Mailing Address:</u>	PO Box 3069 Fort Mill, SC 29715
	<u>County:</u>	York
	<u>Previous Order(s)</u>	None
	<u>Permit/System Number:</u>	ND0067105
	<u>Violation(s) Cited:</u>	24 S.C. Code Ann. Regs. 61- 9.505.41(a), S.C. Code Ann. § 48-1-110(d)

Action: The Respondent has agreed to: (1) comply with all permitting and operating requirements in accordance with State and Federal regulations; (2) perform quarterly monitoring of the groundwater monitoring wells; and, (3) pay a civil penalty of six thousand seven hundred fifty-eight dollars **(\$6,758.00)**.

29)	<u>Order Type and No.:</u>	CO 03-113-W
	<u>Order Date:</u>	July 24, 2003
	<u>Responsible Party:</u>	Aho Homes, L.L.C.
	<u>Facility:</u>	Westwood Pointe Subdivision
	<u>Location/Mailing Address:</u>	20 Falcon Ridge Way Greer, SC 29650-5109
	<u>County:</u>	Anderson
	<u>Previous Order(s):</u>	None
	<u>Permit/System Number:</u>	SCR106502
	<u>Violation(s) Cited:</u>	24 S.C. Code Ann. Regs. 61- 9.122.41(a), S.C. Code Ann. §. 48-1-90(a)

Action: The Respondent has agreed to: (1) comply with all permitting and operating requirements in accordance with State and Federal regulations; (2)

30)	<u>Order Type and No.:</u>	CO 03-114-W
	<u>Order Date:</u>	July 22, 2003
	<u>Responsible Party:</u>	G. Robert Shuler
	<u>Facility:</u>	Rotema Farms Dairy
	<u>Location/Mailing Address:</u>	3740 Homestead Road
	<u>County:</u>	Orangeburg
		Bowman, SC 29018
	<u>Previous Order(s):</u>	None
	<u>Permit/System Number:</u>	None
	<u>Violation(s) Cited:</u>	25 S.C. Code Ann. Regs. 61-
	43.200.20.A	

Action: The Respondent has agreed to: (1) comply with all permitting and operating requirements in accordance with State and Federal regulations; (2) submit a Certificate of Completion from the Natural Resource Conservation Service; and, (3) within thirty (30) days of the Order date, pay a civil penalty of two thousand dollars **(\$2,000.00)**.

Summary: Beaufort-Jasper Water & Sewer Authority owns and is responsible for the proper operation and maintenance of a WWTF. The Respondent failed to comply with effluent limitations for fecal coliform bacteria and monitoring requirements.

32)	<u>Order Type and No.:</u>	CO 03-119-W
	<u>Order Date:</u>	July 17, 2003
	<u>Responsible Party:</u>	D.H. Garrick
	<u>Facility:</u>	Garrick Brothers Farm
	<u>Location/Mailing Address:</u>	4428 Slab Landing Road
		Cope, SC 29038
	<u>County:</u>	Orangeburg
	<u>Previous Order(s):</u>	None
	<u>Permit/System Number:</u>	None
	<u>Violation(s) Cited:</u>	25 S.C. Code Ann. Regs. 61-
	43.100.20.A	

Action: The Respondent has agreed to: (1) comply with all permitting and operating requirements in accordance with State and Federal regulations; (2) submit documentation that the southwestern part of the lagoon has been elevated; (3) submit a Certificate of Completion from the Natural Resource Conservation Service; and, (4) pay a civil penalty of three thousand four hundred dollars **(\$3,400.00)**.

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Violation(s) Cited:

S.C. Code Ann. § 48-1-110 (d)

Summary: Detyens Shipyards, Inc. (Respondent) owns and is responsible for the proper operation and maintenance of a ship cleaning and repair business. The Respondent failed to comply with the permitted discharge limits for total suspended solids, oil/grease and pH.

Action: The Respondent has agreed to: (1) operate and maintain the facility in accordance with applicable State and Federal regulations; (2) submit an engineering report describing measures to comply with the new conditions required in the NPDES Permit with progress reports due by January 1, 2004, and May 1, 2004; (3) by January 1, 2005, comply with the new conditions required in the NPDES Permit for operation of the drydocks; and, (4) within thirty (30) days of the Order date, pay a civil penalty of six thousand dollar (**\$6,000.00**).

34) Order Type and No.: CO 03-121-W
Order Date: July 21, 2003
Responsible Party: **City of Abbeville**
Facility:
Location/Mailing Address: PO Box 639
Abbeville, SC 29620
County: Abbeville
Previous Order(s): None
Permit/System Number: SC0040614
Violations Cited: S.C. Code Ann. . 48-1-110(d)
24 S.C. Code Ann. Regs. 61-
9.122.21(d)(1) and .41(a)

Summary: City of Abbeville (Respondent) owns and is responsible for the proper operation and maintenance of a WWTF. The Respondent failed to apply for renewal of the facility's NPDES permit within 180 days prior to its current permit expiration.

Action: The Respondent has agreed to: (1) operate and maintain the WWTF in accordance with the requirements contained in the current NPDES permit until such time that a new one can be issued; (2) complete sampling required for the reissuance of the NPDES permit by July 27, 2003 ; and, (3) within thirty (30) days of the Order date, pay a civil penalty of one thousand four hundred dollars (**\$1,400.00**).

35) Order Type and No.: CO 03-123-W
Order Date: March 27, 2003
Responsible Party: **Amick Processing, Inc.**
Facility:
Location/Mailing Address: PO Box 2309
Batesburg-Leesville, SC 29070

County: Saluda
Previous Order(s): None
Permit Number: SC0025585
Violations Cited: S.C. Code Ann. '48-1-110(d)
24 S.C. Code Ann. Regs. 61-9.122.41(a) and (j)(3)

Summary: Amick Processing, Inc. (Respondent) owns and is responsible for the proper operation and maintenance of a WWTF. The Respondent violated the permitted discharge limits for flow in conduit and fecal coliform bacteria.

Action: The Respondent has agreed to: (1) operate and maintain the WWTF in accordance with applicable State and Federal regulations; (2) within thirty (30) days of the Order date, submit a corrective action plan (CAP) addressing the biochemical oxygen demand violations; (3) include in the CAP a schedule of implementation, which upon approval will be incorporated and become an enforceable part of this Order; and, (4) within thirty (30) days of the Order date, pay a civil penalty of four thousand two hundred dollars (\$4,200.00).

36) Order Type and No.: CO 03-125-W
Order Date: July 29, 2003
Responsible Party: **Henry Branton d/b/a Ashley River Lumber Co.**
Facility: Kenneth Baxley Property
Location/Mailing Address: PO Box 158
Ridgeville, SC 29472
County: Barnwell
Previous Order(s): None
Permit Number: None
Violation(s) Cited: S.C. Code Ann. § 48-1-90(a)

Summary: Henry Branton (Respondent) d/b/a Ashley River Lumber Company is responsible for silviculture activities at the Kenneth Baxley Property (Site). The Respondent discharged sediment and debris into waters of the State.

Action: The Respondent has agreed to: (1) operate and maintain its storm water management and sediment and erosion controls in accordance with regulatory requirements; (2) attend a Streamside Management Zone class within ninety (90) days of the Order date; and, (3) pay a civil penalty in the amount of two thousand eight hundred dollars (\$2,800.00).

37) Order Type and No.: CO 03-127-W
Order Date: July 24, 2003
Responsible Party: **Eastman Chemical Company**
Facility:
Location/Mailing Address: 200 Railroad Street
Roebuck, SC 29376

County: Spartanburg
Previous Order(s): None
Permit/System Number: SC0002321
Violation(s) Cited: S.C. Code Ann. § 48-1-110 (d)
24 S.C. Code Ann. 61-9.122.41(a)

Summary: Eastman Chemical Company (Respondent) owns and is responsible for the proper operation and maintenance of a specialty chemical manufacturing and compounding plant. The Respondent failed to comply with the permitted discharge limits for total suspended solids (TSS).

Action: The Respondent has agreed to: (1) operate and maintain the facility in accordance with applicable State and Federal regulations; (2) submit a CAP to prevent future TSS violations; and, (3) within thirty (30) days of the Order date, pay a civil penalty of four thousand two hundred dollar (**\$4,200.00**).

38) Order Type and No.: CO 03-128-W
Order Date: July 24, 2003
Responsible Party: **Deweese Utility Corporation**
Facility:
Location/Mailing Address: 273 Old House Lane
Deweese Island, SC 29451
County: Charleston
Previous Order(s): None
Permit/System Number: ND0069329
Violation(s) Cited: S.C. Code Ann. § 48-1-90 (a) and
110 (d), 24 S.C. Code Ann. 61-9.505.41(a)
Project Number: **02-173-WP**
Project Manager: **Heather L. Beard**

Summary: Deweese Utility Corporation (Respondent) owns and is responsible for the proper operation and maintenance of WWTF. The Respondent allowed partially treated effluent to seep from the tile field into the environment, and exceeded flow limits.

Action: The Respondent has agreed to: (1) operate and maintain the facility in accordance with applicable State and Federal regulations; (2) provide for routine inspections of the septic tank/tile field system; (3) submit documentation on the alarm system installed at the tile field pump station; and, (4) within thirty (30) days of the Order date, pay a civil penalty of seven thousand dollar (**\$7,000.00**).

39) Order Type and No.: CO 03-133-W
Order Date: July 29, 2003
Responsible Party: **Heritage Financial Group, Inc.**
Facility: Hermitage Farms Mobile Home Park

Location/Mailing Address: 4801 Sunset Blvd
Lexington, SC 29072
County: Kershaw
Previous Order(s): None
Permit Number: ND0069868
Violation(s) Cited: S.C. Code Ann. § 48-1-110 (d)
24 S.C. Code Ann. 61-9.505.41(a)

Summary: Heritage Financial Group, Inc. (Respondent) owns and is responsible for the proper operation and maintenance of the Hermitage Farms Mobile Home Park WWTF. The Respondent failed to comply with the permitted discharge limits for biochemical oxygen demand, total suspended solids and flow.

Action: The Respondent has agreed to: (1) operate and maintain the facility in accordance with applicable State and Federal regulations, (2) eliminate the discharge from the WWTF once regional sewer service becomes available, and (3) close out the WWTF in accordance with regulations.

40) Order Type and No.: CO 03-134-W
Order Date: July 29, 2003
Responsible Party: **Town of Lyman**
Facility:
Location/Mailing Address: 81 Groce Road
Lyman, SC 29365
County: Spartanburg
Previous Order(s): CO 02-194-W (\$8,000)
Permit Number: SC0021300
Violation(s) Cited: S.C. Code Ann. § 48-1-90 (a) and
110 (d), 24 S.C. Code Ann. 61-9.122.41(a)

Summary: The Town of Lyman (Respondent) owns and is responsible for the proper operation and maintenance of a WWTF. The Respondent failed to comply with the permitted discharge limits for fecal coliform and discharged untreated wastewater into the environment.

Action: The Respondent has agreed to: (1) operate and maintain the facility in accordance with applicable State and Federal regulations; (2) submit a CAP to prevent future fecal coliform violations; (3) conduct a capacity management operations and maintenance (cMOM) audit; and, (4) within thirty (30) days of the Order date, pay a civil penalty of ten thousand two hundred dollar **(\$10,200.00)**.

41) Order Type and No.: CO 03-135-W
Order Date: June 17, 2003
Responsible Party: **Brighton Beach, LLC**
Facility: Brighton Beach MHP

<u>Location/Mailing Address:</u>	142 Bluffton Road Bluffton, SC 29910
<u>County:</u>	Beaufort
<u>Previous Order(s)</u>	None
<u>Permit Number:</u>	ND0000566
<u>Violation(s) Cited:</u>	24 S.C. Code Ann. Regs. 61 9.505.41(e), (l)(4) and .45 S.C. Code Ann. § 48-1-110(d)

Summary: Brighton Beach, LLC (Respondent) owns and is responsible for the proper operation and maintenance of a WWTF. The Respondent exceeded the permitted discharge limit for fecal coliform, BOD and TSS, failed to properly operate and maintain the WWTF and failed to submit groundwater monitoring reports.

Action: The Respondent has agreed to: (1) comply with all permitting and operating requirements in accordance with State and Federal regulations; (2) within thirty (30) days of the Order date, complete the close out of the WWTF; and, (3) pay a civil penalty of twenty-one thousand five hundred dollars (\$21,500.00).

Multi-Media Action
Bureau of Water and Bureau of Air Quality

42)	<u>Order Type and No.:</u>	CO 03-107-W, CO-044-A
	<u>Order Date:</u>	July 9, 2003
	<u>Responsible Party:</u>	A.O. Hardee & Son, Inc.
	<u>Facility:</u>	23 Mines (Site)
	<u>Location/Mailing Address:</u>	55 Park Street Extension Little River, SC 29566
	<u>County:</u>	Horry
	<u>Previous Orders:</u>	CO 98-051-A (\$3,000)
	<u>Permit Numbers:</u>	SCG730294, SCG730295, SCG730318, SCG730319, SCG730321, SCG730322, SCG730326, SCG730327, SCG730328, SCG730329, SCG730330, SCG730339, SCG730340, SCG730341, SCG730342, SCG730346, SCG730348 SCG730349, SCG730350, SCG730351, SCG730354, SCG730360 and SCG730135.
	<u>Violations Cited:</u>	S.C. Code Ann. 48-1-110(d) 24 S.C. Code Ann. Regs. 61-9.122.41(a) & (l) S.C. Code Ann. 48-1-330 (d), Air Pollution Control Regs. 61-62.2

Summary: A.O. Hardee & Sons, Inc. (Respondent) is responsible for the proper operation and maintenance of activities at twenty-three (23) mines (Site). The Respondent failed to meet the permitted discharge limits for pH and TSS at

several permitted mines and failed to comply with the permitted monitoring and reporting requirements. The Air violations were for open burning.

Action: The Respondent has agreed to: (a) comply with all permitting requirements in accordance with applicable State and Federal regulations, to include State open burning regulations; (b) within thirty (30) days of the executed Order date, submit a report of Best Management Practices (BMPs) that will be implemented to prevent future reporting, pH, TSS and open burning violations; and, (c) within sixty (60) days of the executed Order date, pay a civil penalty of forty-seven thousand five hundred dollars (**\$47,500.00**), of which, one thousand five hundred dollars (\$1,500.00) is the Air penalty.

BUREAU OF AIR QUALITY

43) Order Type and No.: Consent Order 03-041-A
Order Date: July 1, 2003
Responsible Party: **Key West Boats**
Location/Mailing Address: Post Office Box 399
Ridgeville, South Carolina 29472
County: Dorchester
Previous Order(s): 98-023-A (\$750); 00-059-A (\$3,000)
Permit No.: 0900-0047 & 0900-0051
Violation(s) Cited: South Carolina Air Pollution Control
Regulation 61-62.70, *Title V Operating Program*, section 70.5 (a)(1)(iii).

Summary: Key West owns and operates two-boat manufacturing and assembly facilities in Dorchester County, South Carolina. Key West operates pursuant to Part 70 ("Title V") Air Quality Operating Permits TV-0900-0047 and TV-0900-0051, effective June 5, 1998. Key West is subject to U.S. Environmental Protection Agency (EPA) regulation 40 CFR 63, Subpart VVVV, *National Emission Standards for Hazardous Air Pollutants for Boat Manufacturers*. Key West failed to submit administratively and technically complete permit renewal applications for its Summerville and Ridgeville facilities at least six (6) months prior to the expiration date of May 31, 2002. The Department received permit renewal applications for both facilities on May 31, 2002.

Action: On May 24, 2002, the Department issued Key West a Notice of Violation and a Notice of Enforcement Conference, and an enforcement conference was held on June 19, 2002. A Consent Order was negotiated in which Key West agreed to comply with the terms and conditions of the expired permits until final action is taken on the applications for renewal, and to demonstrate compliance with the requirements of Subpart VVVV a year in advance.

44)	<u>Order Type and No.:</u>	Consent Order 03-042-A
	<u>Order Date:</u>	July 1, 2003
	<u>Responsible Party:</u>	Concrete Supply Company
	<u>Location:</u>	1260 Porter Road Rock Hill, South Carolina 29730
	<u>Mailing Address:</u>	Post Office Box 5247 Charlotte, North Carolina 28299
	<u>County:</u>	York County
	<u>Previous Order(s):</u>	None
	<u>Permit No.:</u>	9900-0403
	<u>Violation(s) Cited:</u>	South Carolina Air Pollution Control Regulation 61-62.1, Section II, <u>Permit Requirements.</u>

Summary: Concrete Supply Company ("Concrete Supply") operates a concrete batch plant located in Rock Hill, South Carolina. On May 15, 2002, Department personnel inspected this facility and determined that Concrete Supply failed to apply for and obtain the necessary permits from the Department prior installing and operating a concrete batch plant. On May 28, 2002, the Department received a Construction Permit application from Concrete Supply for the concrete batch plant. The Department issued Construction Permit 9900-0403-CA June 21, 2002. On July 10, 2002, Concrete Supply submitted a request for an operating permit to the Department. On July 30, 2002, the Department issued Operating permit 9900-0403.

Action: On February 28, 2003, the Department issued Concrete Supply a Notice of Violation and a Notice of Enforcement Conference and an enforcement conference was held on March 24, 2003. A Consent Order was negotiated in which the facility agreed to ensure that henceforth it applies for and obtains all necessary permits prior to the construction, removal or alteration of any source of air pollution, and to pay to the Department a civil penalty in the amount of three thousand dollars (**\$3,000**). The penalty was due August 1, 2003.

45)	<u>Order Type and No.:</u>	Consent Order 03-043-A
	<u>Order Date:</u>	July 17, 2003
	<u>Responsible Party:</u>	C.L. Benton & Sons, Inc.
	<u>Location/Mailing Address:</u>	706 38 th Ave. North Myrtle Beach, South Carolina 29577
	<u>County:</u>	Horry
	<u>Previous Order(s):</u>	93-039-A (\$1,500); 98-047-A (\$2,500)
	<u>Permit No.:</u>	None
	<u>Violation(s) Cited:</u>	Consent Order 98-047-A, and South Carolina Air Pollution Control Regulation 61-62.2, <u>Prohibition of Open Burning</u>

Summary: C.L. Benton & Sons is a construction company. In response to a complaint of open burning, the Department conducted an investigation on October 18, 2002, at the "Mall of South Carolina" construction project located near the Highway 17 Bypass in Myrtle Beach, South Carolina. At approximately 3:20 p.m., the Department inspector observed employees of C.L. Benton & Sons placing land-clearing debris onto a burning pile of land-clearing debris. The burning pile was approximately 20 feet by 20 feet in size and was located approximately 654 feet from a public roadway.

Action: On March 10, 2003, the Department issued C.L. Benton & Sons a Notice of Violation and Notice of Enforcement Conference, and an enforcement conference was held on April 9, 2003. A Consent Order was negotiated in which C.L. Benton & Sons agreed to immediately cease open burning except as provided by the South Carolina Air Pollution Control Regulations, and pay a civil penalty in the amount of four thousand dollars (\$4,000). The penalty has been paid.

46) <u>Order Type and No.:</u>	Consent Order 03-045-A
<u>Order Date:</u>	July 15, 2003
<u>Responsible Party:</u>	Crown Cork & Seal Company, Inc.
<u>Location/Mailing Address:</u>	930 Beaumont Road Spartanburg, South Carolina 29303
<u>County:</u>	Spartanburg
<u>Previous Order(s):</u>	01-056-A (\$8,000)
<u>Permit No.:</u>	2060-0077
<u>Violation(s) Cited:</u>	S.C. Code Ann. 48-1-110(d), and South Carolina Air Pollution Control Regulation 61-62.70 <u>Title V</u>
<u>Operating Permit Program:</u>	

Summary: Crown Cork & Seal, located in Spartanburg, South Carolina, is a facility that manufactures and coats three-piece steel cans. Crown Cork & Seal failed to submit a timely and accurate Title V Annual Compliance Certification, failed to submit a timely Volatile Organic Compound emissions report, and failed to submit three semi-annual continuous temperature deviations reports.

Action: On April 9, 2003, the Department issued Crown Cork & Seal a Notice of Violation and a Notice of Enforcement Conference. Crown Cork & Seal elected to forego an enforcement conference and proceed with resolution of the violations through this Consent Order. Crown Cork & Seal agreed to revise and resubmit inaccurate reports, submit all past due reports, henceforth submit timely and accurate reports, and pay a civil penalty in the amount of five thousand dollars (\$5,000). The penalty has been paid.

47) Order Type and No.: Consent Order 03-46-A
Order Date: July 23, 2003
Responsible Party: **Faurecia D/B/A SAI Automotive USA**
Location/Mailing Address: 101 International Blvd.
 Fountain Inn, South Carolina 29644
County: Laurens
Previous Order(s): None
Permit No.: 1520-0066
Violation(s) Cited: S.C. Code Ann. 48-1-110(d); South Carolina Air Pollution Control Regulation 61-62.70.5(b)(9), Title V Operating Permit Program; and South Carolina Air Pollution Control Regulation 61-62.1, Section II, Permit Requirements.

Summary: SAI, located in Fountain Inn, South Carolina, is a facility that manufactures interior parts for the automotive industry. An inspection conducted on July 22, 2002, indicated that SAI had begun construction of a foam line and had installed and operated a 500-ton injection-molding machine prior to obtaining the required permits. SAI also failed to submit its control device operational ranges and failed to install liquid flow gauges on its water curtains in a timely manner; and failed to record and maintain liquid flow rates, pressure drop readings, and daily consumption records of all process-related materials containing VOC and HAP as required by its permit. Additionally, SAI failed to accurately certify compliance with its Title V Permit for the reporting period ending June 30, 2002.

Action: On April 10, 2003, the Department issued SAI a Notice of Violation and a Notice of Enforcement Conference, and an enforcement conference was held on May 13, 2003. A Consent Order was negotiated in which SAI agreed to comply with Department regulations regarding permitting requirements, keep and maintain records required by its permit, accurately certify the compliance status of the facility, and pay a civil penalty in the amount of eight thousand dollars (**\$8,000**). The penalty has been paid.

48) Order Type and No.: Consent Order 03-047-A
Order Date: July 15, 2003
Responsible Party: **Water Recovery Systems, LLC**
Location/Mailing Address: Post Office Box 70971
 Charleston, South Carolina 29415
County: Charleston
Previous Order(s): None
Permit No.: 0560-0230
Violation(s) Cited: U.S. EPA New Source Performance Standards, Subpart Kb, 40 CFR 60.116b, S. C. Air Pollution Control Regulation 61-62.60, S.C. Designated Facility Plan and New Source

Performance Standards, S.C. Air Pollution Control Regulation 61-62.1, Section II, Permit Requirements, and S.C. Code Ann. §48-1-110(d).

Summary: Water Recovery Systems LLC (WRS), located in Charleston, South Carolina, stores and pretreats industrial wastewater prior to discharging to a regional wastewater treatment facility. The Department issued Air Quality Operating Permit 0560-0230 to WRS, effective September 15, 1997, for the operation of a 740,000-gallon fixed-roof tank for the storage of industrial waste and for a pretreatment system. The fixed roof tank is subject to U.S. EPA New Source Performance Standard 40 CFR 60, Subpart Kb, Standards of Performance for Volatile Organic Liquid Storage Vessels (Including Petroleum Liquid Storage Vessels). The permit also requires that the facility submit annual Hazardous Air Pollutant (HAP) emissions reports to the Department. On September 11, 2002, the Department conducted an inspection at WRS. WRS had replaced its fixed roof tank with five smaller tanks prior to applying for and obtaining the necessary permits. The five tanks are subject to NSPS, Subpart Kb, 40 CFR 60.116b. WRS failed to determine the highest maximum true vapor pressure for the range of anticipated liquid concentrations to be stored in the tanks as required by Subpart Kb. WRS also failed to submit any annual HAP reports as required by its permit. On October 10, 2002, WRS submitted a construction permit application to the Department for the new tanks. On October 22, 2002, the Department issued WRS Construction Permit 0560-0230-CA for the five new tanks. On November 19, 2002, the Department issued WRS a revised Air Quality Operating Permit including the new tanks.

Action: On October 30, 2002, the Department issued WRS a Notice of Violation and a Notice of Enforcement Conference, and an enforcement conference was held on November 19, 2002. A Consent Order was negotiated in which WRS agreed to apply for and obtain all necessary permits prior to constructing or placing into operation any new equipment or facility; develop and maintain on-site records of the maximum true vapor pressure of material to be stored in each tank as required by NSPS regulations and its permit; and pay a civil penalty in the amount of six thousand dollars (**\$6,000**). The penalty is due August 14, 2003.

49) <u>Order Type and No.:</u>	Consent Order 03-048-A
<u>Order Date:</u>	July 17, 2003
<u>Responsible Party:</u>	Showa Denko Carbon
<u>Location/Mailing Address:</u>	478 Ridge Road Ridgeville, South Carolina 29472
<u>County:</u>	Dorchester
<u>Previous Order(s):</u>	None
<u>Permit No.:</u>	0900-0025
<u>Violation(s) Cited:</u>	South Carolina Air Pollution Control Regulation 61-62.70, <u>Title V Operating Permit Program</u> , and §48-1-110(d).

Summary: Showa Denko Carbon, located in Ridgeville, South Carolina, operates a graphite electrode manufacturing facility. Showa Denko operates pursuant to Part 70 ("Title V") Air Quality Operating Permit TV-0900-0025, effective July 22, 1999. The permit and Department regulations require that the facility submit a timely permit renewal application at least six (6) months prior to the date of permit expiration. Showa Denko failed to submit a renewal application for its Title V permit by the December 30, 2002, due date. On March 27, 2003, Showa Denko submitted to the Department a Title V permit renewal application.

Action: A Consent Order was negotiated in which Showa Denko agreed to comply with all terms and conditions of Title V Air Quality Operating Permit TV-0900-0025 until such time as a final action is taken on the application for renewal.

50) Order Type and No.: Consent Order 03-049-A
Order Date: July 17, 2003
Responsible Party: **P Mining, Inc.**
Location/Mailing Address: 1390 Highway 57
Little River, South Carolina 29566
County: Horry
Previous Order(s): None
Permit No.: None
Violation(s) Cited: South Carolina Air Pollution Control
Regulation 61-62.2, Prohibition of Open Burning

Summary: P Mining is a general contractor. In response to a complaint of open burning, the Department conducted an investigation on August 16, 2002, at a site located near Highway 90 between Wood Lawn and International Drives in Conway, South Carolina. During the investigation, the Department inspector observed charred and smoldering land-clearing debris located approximately 381 feet from a residential site.

Action: On March 24, 2003, the Department issued P Mining a Notice of Violation and Notice of Enforcement Conference P Mining did not attend the scheduled enforcement conference. A Consent Order was issued in which P Mining agreed to immediately and henceforth cease open burning except as provided by the South Carolina Air Pollution Control Regulations, and pay a civil penalty in the amount of three thousand five hundred dollars (**\$3,500**). The penalty is due August 16, 2003.

51) Order Type and No.: Consent Order 03-050-A
Order Date: July 17, 2003
Responsible Party: **Goodyear Tire and Rubber Company**
Location/Mailing Address: 1095 Simuel Road

	Spartanburg, South Carolina 29301
<u>County:</u>	Spartanburg
<u>Previous Order(s):</u>	None
<u>Permit No.:</u>	2060-0035
<u>Violation(s) Cited:</u>	U.S. EPA 40 CFR 52.21; S.C. Code Ann. Reg. 61-62.1 and 61-62.5, Standard Number 7

Summary: Goodyear Tire and Rubber Company operates a tire re-tread manufacturing facility. The facility has the potential to emit more than 250 tons per year of volatile organic compound (VOC) emissions. The Department issued Operating Permit 2060-0035 to the facility, effective December 31, 1992. In 1997 a change in raw materials used in the rubber-manufacturing process led to an increase in potential VOC emissions of more than 40 tons per year. The facility failed to obtain a construction permit or conduct a Prevention of Significant Deterioration (PSD) review prior to implementing the change. The facility applied for a construction permit for the change in raw materials in December 1999. The Department issued Construction Permit 2060-0035-CE to the facility, effective April 6, 2000, which limited its actual VOC emissions increase to seven tons per year. That construction permit was later incorporated into Conditional Major Operating Permit CM-2060-0035, effective July 1, 2001.

Action: On March 28, 2002, the Department issued Goodyear Tire and Rubber Company a Notice of Violation and a Notice of Enforcement Conference, and an enforcement conference was held on April 10, 2002. A Consent Order was negotiated in which the facility agreed to pay a civil penalty in the amount of twenty-two thousand dollars (**\$22,000**). The penalty has been paid.

52)	<u>Order Type and No.:</u>	Consent Order 03-051-A
	<u>Order Date:</u>	July 23, 2003
	<u>Responsible Party:</u>	Albemarle Corporation
	<u>Location/Mailing Address:</u>	725 Cannon Bridge Road Orangeburg, SC 29116-1028
	<u>County:</u>	Orangeburg
	<u>Previous Order(s):</u>	00-058-A (\$4,000)
	<u>Permit No.:</u>	1860-0004
	<u>Violation(s) Cited:</u>	U.S. EPA 40 CFR 60.8(a); U.S. EPA 40 CFR 60.615(j)(2) and (j)(4); S.C. Code Ann. § 48-1-110(d); and South Carolina Air Pollution Control Regulation 61-62.5, Standard 3, Section IX.A.

Summary: Albemarle Corporation (Albemarle) owns and operates a chemical manufacturing facility that produces a variety of products and intermediates. Albemarle operates pursuant to Part 70 (Title V) Air Quality Permit TV-1860-0004, effective July 1, 2001, and subsequent construction permits. Department records indicate that Albemarle started the pilot phase of its

Hydrogen Cyanide (HCN) process on June 5, 2000, and has not conducted a performance test of the HCN flare. A performance test was required no later than December 2, 2000. On November 29, 2001, Albemarle submitted a Monitoring Plan for the HCN flare. The Monitoring Plan was due no later than December 2, 2000, and the Monitoring Plan Certification was due no later than January 6, 2001. On September 25, 2001, Department personnel conducted an inspection at the facility. The inspector determined that Albemarle failed to record and maintain data from pressure drop indicators and liquid flow meters on the Plant 4 scrubber, and ensure that Methylcyclopentadienyl Manganese Tricarbonyl (MMT)-flare operators successfully completed a Department-approved operator-training program prior to operating the MMT flare. Department records indicate that Albemarle submitted an MMT-flare operator-training program on November 8, 2000, but it failed to meet the minimum requirements. On January 29 and February 5, 2002, Albemarle submitted excess emissions reports to the Department regarding incidents during periods on October 29 and 30, 2001, when its Plant 9 Volatile Organic Compound (DR-3) incinerator was shut down and emissions continued without controls. A review of the reports indicated that Albemarle failed to include the magnitude of excess emissions; steps taken to remedy the malfunction and to prevent a recurrence; and documentation that control equipment and processes were at all times maintained and operated, to the maximum extent possible, in a manner that was consistent with good practice for minimizing emissions. On March 4, 2002, Albemarle submitted semiannual reports for periods from June 5, 2000, through December 5, 2001, when the HCN vent stream was diverted from the flare or had no flow rate. The reports were due no later than January 5 and July 5, 2001, and January 5, 2002. On March 4, 2002, Albemarle also submitted a semiannual report for periods from June 5 through December 5, 2000, in which the pilot flame of the HCN flare was absent. The report was due no later than January 5, 2001. On March 20, 2002, Albemarle sent a letter to the Department, requesting an exemption from the requirements to determine exit-gas velocity and percent Hydrogen during tests for the HCN flare. Albemarle proposed an alternative compliance demonstration for the HCN flare consisting of monitoring exit-gas velocity from the flare. On June 10 and 11, 2002, Department personnel conducted an inspection at the facility. The inspector determined that Albemarle failed to record scrubbing-liquid phenol content once per week on each of the three Plant 5/8 phenol scrubbers, and had not conducted a source test of the DR-3 incinerator. On April 17, 2003, the EPA sent a letter to the Department, approving Albemarle's request for the alternative compliance demonstration for the HCN flare. On June 23, 2003, Albemarle submitted a semiannual report for periods from June 5 through December 5, 2002, when the HCN vent stream was diverted from the flare or had no flow rate, and in which the pilot flame of the HCN flare was absent. The report was due no later than January 5, 2003.

Action: On February 21, 2002, and August 23, 2002, the Department issued Albemarle Notices of Violation and Notices of Enforcement Conference. An enforcement conference was held on March 12, 2002. A Consent

Order was negotiated in which Albemarle agreed to ensure that it conducts performance and source tests in accordance with the requirements and schedules in all applicable EPA and Department regulations and in its Permits; to submit semiannual reports for all periods recorded in which the pilot flame of the HCN flare is absent and for all periods when the HCN vent stream is diverted from the flare or had no flow rate; to ensure that it submits written reports of excess emissions; to ensure that it records and maintains the data from pressure drop indicators and liquid flow meters on the Plant 4 scrubber; to ensure that it records scrubbing-liquid phenol content once per week on each of the three Plant 5/8 phenol scrubbers; to ensure that incinerator operators successfully complete a Department-approved operator-training program prior to operating the MMT flare; to conduct a Department-approved source test for its DR-3 incinerator in accordance with Department regulations; to demonstrate compliance for the HCN flare via the written Department- and EPA-approved alternative compliance demonstration; and to pay a civil penalty in the amount of fourteen thousand dollars (**\$14,000**). The penalty is due August 22, 2003.

53)	<u>Order Type and No.:</u>	Consent Order 03-052-A
	<u>Order Date:</u>	July 23, 2003
	<u>Responsible Party:</u>	Messer Industries
	<u>Location/Mailing Address</u>	250 E. Warehouse Court Taylors, South Carolina 29687
	<u>County:</u>	Greenville County
	<u>Permit No.:</u>	1200-0269
	<u>Previous Order(s):</u>	None
	<u>Violation(s) Cited:</u>	48-1-110(d)

Summary: Messer Industries manufactures mirrors and screen-printed glass products. The Department issued a Title V Operating Permit to Messer Industries effective September 15, 2000, requiring the submittal of a Title V Annual Compliance Certification. On February 27, 2002, the Department received the initial Title V Annual Compliance Certification from Messer Industries for the September 15, 2000, through September 14, 2001, reporting period. It was due no later than October 30, 2001.

Action: On March 28, 2002 the Department issued Messer Industries a Notice of Violation and Notice of Enforcement Conference for failing to submit its Title V Annual Compliance Certification in accordance with the terms and conditions of its Title V Operating Permit. A Consent Order was negotiated in which Messer Industries agreed to comply with the Title V Annual Compliance Certification requirements. The Department waived a civil penalty in the amount of four thousand dollars (**\$4,000**), with the stipulation that if the facility violated the reporting requirement in the future, it would be subject to further enforcement action and be required to pay this penalty as well as any penalties for the subsequent violation.

54)	<u>Order Type and No.:</u> <u>Order Date:</u> <u>Responsible Party:</u> <u>Location/Mailing Address:</u> <u>County:</u> <u>Previous Order(s):</u> <u>Permit No.:</u> <u>Violation(s) Cited:</u>	Consent Order 03-053-A July 24, 2003 U.S. Department of Energy – Savannah River Site Building 742 - A Aiken, South Carolina 29808 Aiken 94-024-A (\$4,000); 94-133-A (\$7,000); 95-027-A (\$3,500); 01- 063-A (\$3,000) TV-0080-0041 S.C. Code Ann. §48-1-90(a) and S.C. Code Ann. Reg. 61-62.5, Standard Number 1
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Summary: The U.S. Department of Energy (USDOE) owns and is responsible for the operation of the Savannah River Site. The Department issued Operating Permit Number 0080-0041 to USDOE, effective April 26, 1994, for operation of a coal-fired boiler (boiler #1). The permit and State regulations establish a maximum particulate matter (PM) emission limit of 0.6 lbs/million BTU and 43 lbs/hour for boiler #1. The permit also requires the facility to conduct biennial source tests for PM emissions from boiler #1. On February 19, 2003, USDOE conducted a source test of boiler #1 that indicated the PM emissions were 0.829 lbs/million BTU and 65.59 lbs/hour. On March 26, 2003, USDOE submitted a corrective action plan to the Department that identified the probable cause of the excess emissions, the corrective actions taken, and a request to retest boiler #1. On April 2, 2003, USDOE conducted a retest of boiler #1 that indicated the PM emissions were 0.299 lbs/million BTU and 23.97 lbs/hr.

Action: On April 30, 2003, the Department issued USDOE a Notice of Violation and a Notice of Enforcement Conference, an enforcement conference was held on May 20, 2003. A Consent Order was negotiated in which the facility agreed to pay a civil penalty in the amount of six thousand five hundred dollars (**\$6,500**). The penalty is due August 24, 2003.